



I certify that on 2/14/03, which is the date I am signing this certificate, this correspondence and all attachments mentioned are being deposited in the United States Postal Service as first class in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

  
Craig A. Slavin

**PATENT**

**Applicant:** Jenkins

**Serial No.:** 09/709,087

**Filing Date:** November 10, 2000

**Title:** Steerable Loop Structures For Supporting Diagnostic And Therapeutic Elements In Contact With Body Tissue

**Group Art Unit:** 3763

**Examiner:** Robinson

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**

**FEB 27 2003**

TECHNOLOGY CENTER R3700

**RESPONSE TO THE ELECTION OF SPECIES REQUIREMENT**

**DATED JANUARY 7, 2003**

Sir:

In response to the Election of Species Requirement under 35 U.S.C. § 121 dated January 7, 2003, time for response to which has been extended by the enclosed petition to March 7, 2003, applicant provisionally elects the species illustrated in Figures 1-7 without traverse. At a minimum, claims 1-10 and 21-30 are directed to the elected species, claims 21-30 are generic to the species illustrated in Figures 1-9 and claims 21-29 are generic to the species illustrated in Figures 1-10.

Applicant respectfully notes that the Office Action appears to have confused an election of species requirement with a restriction requirement. More specifically, the Office Action does not refer to Figure numbers when setting forth the species of invention from which the election is to be made. Instead, the Office Action refers to "Group I," "Group II" and "Group III" and to "a control element," "a connector element" and "a loop structure" in an apparent reference to independent *claims* 1, 11 and 21. [Office Action at page 2.] "Claims are definitions of inventions. *Claims are never species ... Species are always the specific embodiments.*" [MPEP § 806.04(e), emphasis in the original.] The grouping of claims, on the other hand, is typically associated with a restriction requirement.

Nevertheless, because the Office Action made reference to an election of species, applicant has elected the species illustrated in Figures 1-7 and has designated the claims as corresponding to the species illustrated in Figures 1-7, or as being generic to two or more of the disclosed species, where appropriate.

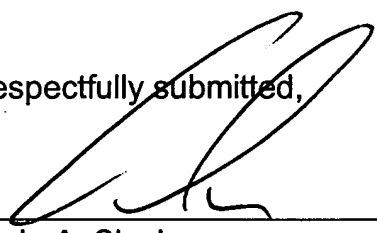
Early and favorable consideration of the application are respectfully requested. Allowance of the claims at an early date is courteously solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call Applicant's undersigned representative at (310) 563-1458 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0638. Should such fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefor.

2/14/03  
Date

**Henricks, Slavin & Holmes LLP**  
840 Apollo Street, Suite 200  
El Segundo, CA 90245  
(310) 563-1458  
(310) 563-1460 (Facsimile)

Respectfully submitted,

  
\_\_\_\_\_  
Craig A. Slavin  
Reg. No. 35,362  
Attorney for Applicant